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Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 April 1997]

Introduction

1. In Western countries there is growing intolerance toward refugees and immigrants. The United States of America is no exception to this trend. Within the last 12 months the United States has enacted two federal statutes which severely deprive refugees and immigrants of their civil, political, economic, social and cultural rights. The latest and most draconian of these statutes is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). In enacting these laws the United States has retreated from its traditional policy of protecting refugees and receiving immigrants and has reverted to isolationism, racism and xenophobia. This law is an assault on vulnerable refugees and immigrants around the world.

Expedited exclusion and removal of refugees without the right to a hearing

2. As of 1 April 1997, United States immigration officers can summarily exclude, without the right to a hearing, any refugee who seeks entry to the United States without documents or with documents that the officer determines to be false (IIRIRA, sect. 302). This provision jeopardizes the lives of

many refugees who may be forced to flee their home countries without first obtaining travel documents. Refugees seeking entry may only obtain a hearing by convincing an immigration officer that they have a "credible fear" of persecution (IIRIRA, sect. 302). Thus, under this legislation immigration officers have unfettered discretion to decide the fate of refugees. These provisions are particularly worrisome because of the potential abuse of authority by immigration officers who have a history of discrimination and brutality.

3. Worse still, a refugee will remain detained during the pendency of the asylum proceedings. By denying access to the courts, refugees fleeing persecution will find it more difficult to win their asylum claims. In addition, undocumented refugees discovered within the United States can be summarily removed to their home country without a hearing unless they can prove they entered legally or have resided for two years or more within the United States.

4. These provisions place refugees at serious risk of being returned to countries where they face threats to life and liberty and are in violation of international law. Because IIRIRA contains provisions denying the right to appeal in certain circumstances, a significant percentage of refugees are effectively denied the right to an effective remedy against abuse of their refugees rights.

Family separation

5. Under existing immigration law, spouses and children of legal residents are subject to a visa-quota system which limits the number of visas that can be issued to a particular country per year. Because of the high numbers of immigrants from Mexico, the Philippines and India, family members from these countries must wait four years or more to obtain a visa and be joined with their sponsoring relatives. As a result, family members often enter the United States illegally, desperate to be reunited with their legal resident spouse or parent.

6. As of 1 April 1997, many family members unlawfully residing in the United States are subject to expedited removal. After being ordered removed, the family member will also be barred from immigrating for five years. Any family member ordered removed more than once will be barred from immigrating for 20 years (IIRIRA, sect. 301). These provisions will effectively separate and destroy the family unit of many legal residents and their intending immigrant family members.

7. In addition, many family members who reside unlawfully in the United States for 180 days or more may be barred from immigrating for three years. Those who have resided unlawfully in the United States for a year or more and depart may be barred from immigrating for 10 years (IIRIRA, sect. 301). Again, these provisions will result in family separation for many intending immigrants.

8. Moreover, family members will be denied a visa unless they obtain an affidavit of support from a sponsor who can demonstrate an income level of 125 per cent above the federal poverty line (IIRIRA, sect. 551). This

provision discriminates against low-income legal residents who are able to support themselves and their families, but who do not earn a substantial income.

9. Legal residents are also subject to removal without any legal remedy if they have been convicted of certain crimes which are defined by the immigration law as crimes of moral turpitude or "aggravated felonies". Some of these crimes include receiving stolen property or smuggling a family member. For example, a legal resident who immigrated when he was an infant and has lived in the United States for over 35 years will be deported if he is convicted of attempting to smuggle his brother into the United States (IIRIRA, sect. 321). While the United States has always had a policy of removing legal residents who commit serious crimes, this law of "zero tolerance" will result in terrible hardships not just to the legal resident who is removed but to the United States citizen spouses, children and parents who will remain behind. This will result in permanent separation of families.

Conclusion

10. We appeal to the Commission, the United Nations High Commissioner for Refugees and other humanitarian organizations to condemn this trend of anti-refugee and anti-immigrant legislation in the United States and in other Western countries and to demand that the United States repeal offending sections of IIRIRA and related legislation that violates accepted international refugee standards.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 April 1997]

The human rights situation in Burundi

1. Since the coup d'état of Major Buyoya in July 1996 there has been a consistent pattern of gross human rights violations in Burundi. Although Buyoya justified his coup by confirming that he would end massacres immediately, not one single kind of human rights violation has ceased or even diminished following his seizure of power.

2. Massacres of unarmed Hutu by the military took place in almost all the provinces of the country except in the capital of Bujumbura, which is almost completely ethnically purged. Victims are mainly women, children and elderly people. They are all - even small children - killed under the pretence that they are rebels or are helping the resistance movement. To give only one example: on 13 December 1996, soldiers killed 107 persons of Ruvyagira village, Mutambu municipality, Rural Bujumbura province. The list of victims includes 53 children, almost all of them killed by bayonet. A baby of six months was thrown in a river after his mother had been murdered.

3. Usually the military commits massacres in retaliation for attacks carried out by one of the military resistance groups on army posts. After the fighting the soldiers invade adjacent villages, killing the unarmed population.

4. The military tries to create an ethnic conflict between Hutu and Tutsi in order to justify the power of an army consisting almost exclusively of Tutsi with the leadership of one single Tutsi clan. People in power find it easy to gain international sympathy by declaring themselves a minority which has to defend itself. In fact, it is the army itself that suppresses the majority ethnic group as well as democratic and peaceful Tutsi. Political and army leaders know perfectly that if they let the population of both ethnic groups live peacefully together, there would be no use for an army at all. As proof of this policy, in December 1996 the military killed 30 persons in Mutaho, Gitega province. Among the 13 women murdered there were also 4 women who were Tutsi living together in harmony with their Hutu neighbours. The military thought it could not tolerate this. It is estimated that at least 30,000 civilians have been massacred by the governmental army since Major Buyoya's seizure of power.

5. Since the start of this year the Hutu population has been forced to leave their homes and fields in great number and to concentrate in camps. The Government admitted a figure of 200,000; the United Nations Coordinator for Humanitarian Affairs in East Africa, Mr. Martin Griffith, speaks of about half a million. In these regrouping camps people have neither sufficient food nor medical supplies or services. Thus, they die from famine, malnutrition and all kind of diseases, a process reinforced by the fact that most of them have to live in the open during the current rainy season. While they have to stay in the camps, the military, with the help of certain Tutsi, seizes their harvests for its own use. If anyone refuses to go to a camp or tries to escape or even just to go home to get something to eat, he is regarded as a rebel and killed. Thus, the army killed 83 people in Gitaza, Rural Bujumbura province, on 12 February 1997 because they tried to get food from home. People in the camps are defenceless and have no chance to escape from what the soldiers have reserved for them. More than 500 were killed on 19 and 20 March 1997 in the camps of Kaburantwa, Gasenyi and Ruhagarika all in the province of Cibitoke. The dead bodies were thrown into mass graves.

6. About 5,000 members and followers of the Frodebu party, which won the elections of June 1993 by an overwhelming majority, and related parties, have been arbitrarily detained and often held for years without legal action. This has been and still is a means to weaken the democrats. Even the highest-ranking representatives of democracy like the President of parliament are constantly heard by the public prosecutor under the invariable allegation of genocide. In recent times Hutu members of the security services have also been arrested as they are suspected not to be loyal to the putschist Government.

7. Almost everybody arrested is ill-treated or tortured. Torture usually takes place in camps of the gendarmerie or police posts. Even well-known personalities like the executive secretary of the majority party Frodebu, Domitien Ndayizeye, has been tortured in order to make him reveal the party computer's password.

8. Disappearances are very common in the countryside. The military at the camp at Rumonge are well known for killing people during the night. The victims are detained in the daytime but the military pretend that they never detained them. But even in the capital the military disappear detainees. As an example, the Burundi Human Rights League ITEKA, in December 1996 spoke of 11 persons having disappeared after detention in Bujumbura.

9. The most urgent steps the Commission should take in order to stop human rights violations in Burundi are:

(a) Deployment of a substantial number of human rights observers to be located in all provinces;

(b) Calling an extraordinary session of the Commission on the Great Lakes Region.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Anglican Consultative Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 April 1997]

1. The Anglican Consultative Council, through the Anglican Communion Office at the United Nations, representing 70 million persons in 164 different countries, is pleased to share its thoughts with the Commission on Human Rights at its fifty-third session.

2. The Anglican United Nations Office has received significant information identifying the oppression of Christian and other minority groups within Pakistan. We are especially concerned about horrific incidents which have taken place in rural areas in Pakistan where Christian communities have been harmed and victimized by certain criminal elements within the country.

3. The Roman Catholic Church in Khanewal was attacked twice as a mob lead by certain fundamental elements burned the church and set it ablaze. Other Protestant Christian centres, houses of worship and properties have been either burned, seized or destroyed. The village of Shantinager, in the district of Khanewal, in southern Punjab, which has a population of about 10,000 Christians and contained 13 churches, a school and a hospital, was badly damaged.

4. It must be said that the Government of Pakistan made an earnest effort to rescue the people from harm, administered first-aid treatment, and sought to provide humanitarian assistance. However, it may also be said that the Government of Pakistan must offer stronger public support to the victimized. It is distressing to hear that after this incident, no national leader visited the site to offer words of support to those who had lost their homes and property, or to guarantee their safety from future attacks.

5. It is understandable that no Government can guard against all forms of anti-social behaviour. It is also understandable that no Government can protect its people at all times from entities which seek to exploit people and situations along religious lines. It must be said that one of the basic purposes of a strong Government is to actively prosecute those who are guilty and to champion those whose rights and freedoms have been violated.

6. The Anglican United Nations Office has also received news about the infringement of the rights of other minority groups in Pakistan. It is our understanding that considerable progress to promote national peace and reconciliation can be achieved through dialogue and through third-party mediation. We appeal therefore to this body to urge the Government of Pakistan to use its good offices to give audience to those whose rights have been abridged and to ensure the equal protection of all its citizens.

7. In an age where those who pursue parochial interests seem to be more vocal than the interests and aspirations of what appears to be a silent majority, assemblies of Governments, in bodies like these, must work together to foster dialogue and the management of conflict through negotiation.

8. The Anglican Consultative Council commends all the member Governments of this august body to support all efforts to ensure that the rights of minority groups are protected. Part of this appeal involves a request that the Special Rapporteur on religious intolerance be provided with the necessary resources to carry out his mandate to develop policy recommendations. It has come to our attention that much of the difficulty encountered in facilitating the work of the Special Rapporteur involves the provision of resources at levels which are not commensurate with his charge.

9. The protection of minority groups in any country, and in this specific case of Christians in Pakistan, cannot be guaranteed until a Government musters the political will to achieve the same. The Government of Pakistan and other member Governments of this Commission must devise firm standards of public accountability if the confidence of the political system is to be sustained.

10. Many Governments would probably share the view that the rights of minority communities within their territorial boundaries should not be abridged. Many Governments have also enacted specific national legislation to support this concern. However, much more may be done by Governments when they publicly and openly express their commitment to protect the rights of minority communities. The political will to achieve this end must exist, and the political machinery to implement it must be made available to make this goal a reality.

11. In this context, we urge the Government of Pakistan to step up efforts to express its determination to protect the rights of the Christian community in Pakistan whose members have suffered at the hands of certain groups. We also urge this Commission to develop a more formal mechanism for facilitating dialogue and reconciliation in the wake of violent conflict. This protection will not encroach upon the sovereignty of any State. Indeed, religious bodies and non-governmental organizations can complement the work of the Special Rapporteur on religious intolerance, especially in those areas where governmental efforts have met with limited success.